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CIA journalists: the loophole game

LAST DECEMBER, ON THE eve of the House Intelligence Committee's hearings on the Central Intelligence Agency's ties to the press, CIA director Admiral Stansfield Turner announced new regulations that, on their face, appeared to end the government's use of reporters as spies.

Turner issued the new directive not long after the publication by *Rolling Stone* of Carl Bernstein's article claiming that "more than 400 American journalists . . . have secretly carried out assignments for the Central Intelligence Agency." The directive also came only a few weeks before the *New York Times* published a three-part series on the CIA's infiltration of the press. The CIA knew the series was coming, of course, since it had been months in preparation. At the same time, the agency was gearing up for the hearings that began later in December before the House Intelligence Subcommittee headed by Representative Les Aspin, the Wisconsin Democrat.

The CIA's new regulations were designed, therefore, to reassure the public that the agency's use of reporters was an old story, unworthy of press or congressional interest. It's over; we can all relax. Or can we?

The CIA directive, dated November 30, in fact contains a loophole that the agency has fought tenaciously to preserve: the prohibition does not apply to the literally thousands of unaffiliated American journalists and free-lance writers in the United States and abroad. Nor does it prevent CIA agents from claiming they are independent writers or journalists.

In order to understand the latest CIA move in the continuing chess game over the clandestine use of journalists, it is necessary to go back to November 1973, when William E. Colby, then

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head of the agency, lunched with a group of editors at the *Washington Star*. Colby volunteered that the CIA was indeed using the press for cover, but he said he was curtailing the practice. The *Star*, in a page-one story by Oswald Johnston, reported that the CIA had "some three dozen American journalists" working abroad as spies.

The story failed to alarm either the press or Congress, a fact that must have surprised and pleased the CIA. Indeed, the issue did not crystallize until the Church committee in the Senate and the Pike committee in the House began investigating intelligence abuses after the *Times*'s Seymour Hersh, in December 1974, revealed the CIA's program of domestic spying.

The Pike report was published in the *Village Voice* in February 1976, thanks to Daniel Schorr, after the House of Representatives had voted to suppress it. According to the report, in 1975 the CIA still had 11 full-time officers posing as journalists; until 1973, five such agents had represented major American news organizations. In addition, the report said, numerous "stringers and free-lancers are still on the payroll."

On February 11, 1976, five days before the Pike report was published, CIA director George Bush promulgated a new policy toward the press: the CIA would no longer pay any "full-time or part-time news correspondent accredited by any U.S. news service, newspaper, periodical, radio or television network or station."* (The statement was somewhat confusing, perhaps deliberately so, in its use of the words "accredited by." In normal newspaper parlance, reporters are not "accredited by" their employer, but are "accredited to" some official agency that issues a press credential—whether it be the White House, Congress, the State Department, a local police force, or the foreign ministry of another government in the

abroad. It seemed an odd usage for an agency with unlimited resources and presumably unlimited access to information. Any one of the CIA's reporter spies could have explained the correct terminology to headquarters.)

In June, in a little-noticed speech to the Cleveland City Club, Bush discussed his February policy statement. "I had thought that this statement would be more than clear," he said, "but the media has continued to wonder whether there were some loopholes left." And well the press might have wondered. The dimension of the loopholes was made clear in the final report of the Church committee: "Of the approximately 50 U.S. journalists or personnel of U.S. media organizations who were employed by the CIA or maintained some other covert relationship with the CIA at the time of the [Bush] announcement, *fewer than one-half will be terminated under the new CIA guidelines.*" (Emphasis added.) The reason: the prohibition "does not cover 'unaccredited' Americans serving in U.S. media organizations," such as executives "or free-lance writers."

One might be tempted to dismiss free-lance—i.e., unaffiliated—independent writers as providing a relatively insignificant part of the total news flow to the American public. True enough. But they are not insignificant to the CIA; far from it. The CIA refused to provide any names to the Church committee, which had to be content with reviewing sanitized "summaries" of the files of the CIA's reporter-spies. Even so, the committee discovered that of four categories of journalists who worked for the CIA, the largest category included "free-lance journalists," "stringers," and something called "itinerant authors."

Although the Church committee had thus unmasked the duplicitous nature of the CIA's policy statement of February 1976 and had pinpointed its worst loopholes, in the controversy that followed the press and public preferred to play a guessing game about which network correspondents or *New York Times* reporters might have been CIA agents in the past—ignoring the current prob-

*Not long after Bush issued his new policy I asked the CIA whether the prohibition applied as equally to intelligence officers working under journalistic cover as to reporters working for the CIA. It seemed possible that the agency might seek to make some conceptual or semantic distinction between the two sides of the same tarnished coin. I was told the policy applied both to journalists working for the CIA and to CIA officers working as journalists.